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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,137	08/22/2005	Yuuichirou Ogawa	121506	8749

25944 7590 11/10/2008
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EXAMINER

FISCHER, JUSTIN R

ART UNIT	PAPER NUMBER
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1791

MAIL DATE	DELIVERY MODE
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11/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/511,137	Applicant(s) OGAWA, YUUICHIROU	
	Examiner Justin R. Fischer	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8,9 and 12-16 is/are pending in the application.
- 4a) Of the above claim(s) 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8,9,12-14 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>110308</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 3, 2008 has been entered.

Election/Restrictions

2. Newly submitted claim 15 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: claim 15 requires a stiffener rubber, while the previously drafted claims were directed to a generic bead core assembly and a split bead core assembly. As set forth in the previous communication, claims requiring a stiffener rubber are directed to a mutually exclusive species (one having a single bead core assembly). Thus, claim 15 is actually directed to a single bead core assembly, while the examined claims were directed to a split bead core assembly (and any associated claims that were generic to the bead core assembly).

Since applicant has received an action on the merits for the originally presented invention (split bead core and associated generic claims), this invention has been constructively elected by original presentation for prosecution on the merits.

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Accordingly, claim 15 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8, 9, 12-14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa (JP 2000-71722- English equivalent US 6,929,045) and further in view of Cottrell US 2005/0230021).

As best depicted in Figures 1 and 2, Ogawa discloses a tire construction having a carcass including a continuous cord and having a plurality of radial cord portions (e.g. 5C) and a plurality of circumferential cord portions (e.g. E). The reference is only devoid of a runflat insert in the sidewall region of the tire. Cottrell is similarly directed to a non-conventional carcass structure (one formed of individual cords, as opposed to calendered plies) and suggests the inclusion of an insert at the interior side of said carcass in order to provide tire operation in an underinflated condition (Paragraphs 3 and 4). It is further emphasized that runflat inserts represent a well known and conventionally included rubber layer in tire constructions for the reasons detailed above. As such, one of ordinary skill in the art at the time of the invention would have found it obvious to include a runflat insert in the tire of Ogawa. Thus, the reference is only devoid of a specific teaching to arrange the turnup end outside of a line segment QB. A

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fair reading of Ogawa, however, suggests that the turnup end can be relatively low (Figure 4) or relatively high (Figure 5). In this same regard, the reference fails to place any limitation on the arrangement of the carcass turnup end and based on the general disclosure noted above, one of ordinary skill in the art at the time of the invention would have found it obvious to extend the carcass turnup end in accordance to the claimed invention (in a general region outside of the bead apex- such a position is consistent with the arrangement of carcass turnup ends).

Regarding claim 12, while the figures of Ogawa generally depict the circumferential cord portions as having the same radial height, the claim only requires that the respective heights are different. One of ordinary skill in the art at the time of the invention would not have expected the radial heights of the relevant cord portions to be identical (e.g. at microscopic level). It is emphasized that the claims do not require a quantitative relationship between the respective heights- the claims only require that the respective heights differ, even if it is only an extremely small distance. Lastly, applicant has not provided a conclusive showing of unexpected results to establish a criticality for the claimed arrangement.

As to claim 13, the contact portions of Ogawa are in the bead region.

With respect to claim 14, the limitations define the conventional tire components and tire manufacturing methods. One of ordinary skill in the art at the time of the invention would have found it obvious to form the tire of Ogawa in accordance to the method of the claimed invention. While Ogawa fails to expressly depict an innerliner, it

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is well recognized that innerliners represent a fundamental component of modern day tubeless tires- one example of such a construction is Cottrell (Paragraph 4).

Regarding claim 16, the carcass of Ogawa can include a plurality of cord layers (Column 3, Lines 44+) and such a construction would be expected to satisfy the claimed relationship (layers separated by a distance associated with the pitch).

Response to Arguments

5. Applicant's arguments filed November 3, 2008 have been fully considered but they are not persuasive.

Applicant initially argues that the use of Ogawa and Ueyoko is unreasonable because the pending claims recite a runflat tire and neither of the references is directed to a runflat tire. As set forth in the rejection above, one of ordinary skill in the art at the time of the invention would have found it obvious to include a runflat insert in the tire of Ogawa in view of Cottrell for the benefits of improved running during an underinflated condition. It is emphasized that Cottrell is similarly directed to a non-conventional carcass structure (one formed of individual cords, as opposed to calendered plies) and thus, the teachings of Cottrell are directly analogous to the tire construction of Ogawa.

Applicant further contends that the references fail to teach, suggest, or disclose a feature that corresponds to the folded end of the turn-up cord layer being laid in the claimed configuration. It is agreed that the reference fails to expressly disclose the claimed configuration. However, Ogawa specifically describes embodiments in which the carcass turnup is relatively low or relatively high- such a disclosure suggests that the exact location of the carcass turnup end is not critical and one of ordinary skill in the

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art at the time of the invention would have readily appreciated a wide variety of configurations, including that detailed by the claimed invention (appears to be consistent with a high turnup end), absent any conclusive showing of unexpected results.

It is further noted that applicant points to Table 2 to establish a conclusive showing of unexpected results. However, each of these examples is directed to a single bead core configuration (due to the presence of a stiffener rubber), which represents non-elected embodiments. Second, the results in Table 2 are somewhat confusing and raise a question in regards to the accuracy of the testing. For example, Example 6 and Example 11 appear to be identical tire constructions and there is a significant difference in the durability and the bead securing force. This is similarly the case with Example 10 and Example 13. In this instance, the disparity in measured properties suggests that Table 2 does not provide a conclusive showing of unexpected results. It is emphasized that (a) the results in Table 2 are not commensurate in scope with the claimed invention and (b) the results in Table 2 raise questions relating to testing accuracy.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R. Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Justin Fischer
/Justin R Fischer/
Primary Examiner, Art Unit 1791
November 6, 2008